

PLEASE READ INSTRUCTIONS AND REMOVE BEFORE TYPING

INSTRUCTIONS FOR DSP-94

LEGAL AUTHORITY AND USE OF THIS FORM

- a. Pursuant to 22 CFR 126.6(c), Port Directors of U.S. Customs and Border Protection are authorized to permit the export of unclassified defense articles, and technical data without a license if they were sold by the Department of Defense directly to foreign governments or international organizations under the Foreign Military Sales (FMS) program of the Arms Export Control Act. This procedure may be used only if a proposed export is (1) pursuant to an executed Letter of Offer and Acceptance, and (2) accompanied by a properly executed DSP-94 and Shipper's Export Declaration (Form 7525-V).
- b. Only foreign diplomatic missions or their authorized agents or freight forwarders who are registered with the Directorate of Defense Trade Controls, U. S. Department of State, may export FMS material under this authority.
- c. Freight forwarders must for reasons of legal accountability:
 - (1) Register with the Directorate of Defense Trade Controls pursuant to 22 CFR 122;
 - (2) Have on file at the Directorate of Defense Controls a letter from the foreign embassy or government appointing them as forwarding agent; and
 - (3) Have on file at the Directorate of Defense Controls a statement signed by a responsible representative of the firm, certifying that the articles shown on all Forms DSP-94 they submit are, from their personal knowledge, in fact the articles by quantity, type, and value to be exported, and assuming full responsibility for compliance with the International Traffic in Arms Regulations (22 CFR 120-130.)

GENERAL INSTRUCTIONS

- a. A separate Form DSP-94 must be completed for each FMS case for which defense articles are to be exported under this authority.
- b. Form DSP-94 should be typewritten. All copies must be legible. Complete all items. Sign and date all three copies.
- c. Form DSP-94 shall be valid for 2 years from the date on which it is executed (see item 12). If all shipments have not been made during this validity period, a new Form DSP-94 must be completed and filed with the Port Director of U.S. Customs and Border Protection along with a copy of the Letter of Offer and Acceptance, and annotated Shipper's Export Declaration. Item 8 must be completed for all FMS cases for which a DSP-94 has previously been filed with the Port Director of U.S. Customs and Border Protection for shipments under the same FMS case. (If Item 8 is not applicable, insert "N/A.")
- d. Copy 1 of completed Form DSP-94, together with one copy of the corresponding authenticated Letter of Offer and Acceptance, and three copies of annotated Form No. 7525-V (Shipper's Export Declaration), must be filed with the Port Director of U.S. Customs and Border Protection at the port of export prior to actual shipment.
- e. An authenticated Letter of Offer and Acceptance is one on which:
 - (1) The offer is signed by an authorized Department of Defense representative and countersigned by the Comptroller, Defense Security Assistance Agency (DSAA); and
 - (2) The acceptance is signed by an authorized representative of the foreign government.

Only copies of the signed first page of the Letter of Offer and Acceptance and those pages listing defense articles to be exported need to be provided to U.S. Customs and Border Protection.

- f. Form No. 7525-V (Shipper's Export Declaration) must be annotated by the exporter as follows:
"This shipment is being exported under the authority of U.S. Department of State Form DSP-94. It covers FMS case (case identification), 22 CFR 126.6 applicable."
- g. U.S. Customs and Border Protection authorities will authenticate one copy of the Shipper's Export Declaration and forward it to the Directorate of Defense Trade Controls. Three copies of an annotated Shipper's Export Declaration must be filed with the Port Director of U.S. Customs and Border Protection for each subsequent shipment. U.S. Customs and Border Protection authorities will enclose the back of Copy 1 of DSP-94 to show the shipments made. Upon completion of all authorized shipments or upon expiration of the Form DSP-94, whichever occurs first, U.S. Customs and Border Protection authorities will forward it with the attached Letter of Offer and Acceptance to the Directorate of Defense Trade Controls.
- h. Copy 2 of the completed DSP-94 should be removed by the exporter and sent at the time of the first shipment, together with a copy of the applicable authenticate Letter of Offer and Acceptance to: PM/DDTC, SA-1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522-0112.
- i. Copy 3 of DSP-94 is for the shipper's files and should be removed before submission. A copy of applicable Letter of Offer and Acceptance should also be retained by the shipper for reference and record keeping purposes (22 CFR 122.5).
- j. A new DSP-94 must be completed and filed with the Port Director of U.S. Customs and Border Protection if the applicable FMS case is amended to increase either the quantity of defense articles sold or to increase the total value by more than 10 percent. (**Note:** 22 CFR 123.23 authorized Port Directors of U.S. Customs and Border Protection to permit the shipment of defense articles when the total value of the export does not exceed the aggregate monetary value stated on a license by more than 10 percent.) Amendments which decrease the quantity or value of an FMS case do not require a new Form DSP-94.
- k. Additional copies of this form may be obtained through the Directorate of Defense Trade Controls' web site, www.pmdtc.gov.

CONDITIONS OF USE

1. This authority to export defense articles/services on the U.S. Munitions List is subject to the conditions cited in 22 CFR 120 - 130.
2. Use of this authority does not release the exporter from complying with other requirements of U.S. law and regulations.
3. The prior written approval of the U.S. Department of State must be obtained before title or possession of the defense articles exported from the U.S. under this authority may be transferred to anyone not an officer, employee, or agent of the purchaser, or for any use of such articles other than those specified in Letter of Offer and Acceptance.

RETURNING FORM DSP-94

This form must be returned to PM/DDTC, SA-1, 12 Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U. S. Department of State, Washington, DC 20522-0112, when: (1) the total value of the FMS case is reached; (2) after 2 years; or (3) when requested by the Directorate of Defense Trade Controls.

CUSTOMS ENDORSEMENT

Indicate below which *ITEM* listed on the applicable Letter of Offer and Acceptance is *BEING EXPORTED* and maintain a *CONTINUING BALANCE* of the remaining value:

| QUANTITY | COMMODITY | SHIPMENT VALUE | DATE (mm-dd-yyyy) | SED NO. | OFFICER'S INITIALS | PORT OF EXIT NAME |
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